

PATENT



MARK A. GARZIA*
PETER K. MATSON

*Admitted in PA and NJ

ATTY. DOCKET: TOPP-P7.1-US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO. : 10/651,583
IN RE APPLICANT : TOPP, Daniel P.
TITLE : APPARATUS FOR ERADICATING PESTS
FILING DATE : August 29, 2003
EXAMINER : David J. Parsley
ART UNIT : 3643

* * * * *

CERTIFICATE OF MAILING

I hereby certify that this communication, along with any paper or fee indicated as being enclosed, are being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 7, 2006.

7 JUNE 2006

Date

Mark A. Garzia

TRANSMITTAL LETTER ACCOMPANYING REPLY TO FINAL OFFICE ACTION

Dear Sir:

Transmitted herewith is a Reply to Final Office Action (22 pgs.) that is responsive to the outstanding Office Action in the above-captioned application.

Small entity status of this application pursuant to 37 C.F.R. §1.27(b) has been established.

It is believed that no extension of term is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a Petition for Extension of Time under 37 C.F.R. §1.136(a).

Applicant petitions for an Extension of Time under 37 C.F.R. §1.136 (fees: 37 C.F.R. §1.17(a) - (d) for the total number of months checked below:

<u>Extension Months(s)</u>	<u>Fee For Other Than Small Entity</u>	<u>Fee For Small Entity</u>
[] 1 Month	\$120.00	\$ 60.00
[] 2 Months	\$450.00	\$225.00
[] 3 Months	\$1,020.00	\$510.00
[] 4 Months	\$1,590.00	\$795.00
[] 5 Months	\$2,160.00	\$1,080.00

A Terminal Disclaimer Pursuant to 37 C.F.R. § 1.321(b) and (c) is enclosed.

An Assignment (pgs.) is enclosed.

Assignment Cover Sheet (1 pg.)

An Information Disclosure Statement Pursuant to 37 C.F.R. §§1.56, 1.97 and 1.98 (pgs.) is enclosed.

Form PTO-1449.

References

Fee Transmittal for FY2006 – Form PTO/SB/17 (1 pg.) is enclosed.

A postage-prepaid, self-addressed postcard for the PTO to acknowledge receipt of this communication is enclosed.

Other

Cover page and page 181 from *Guidelines for Regulating Wood Packaging Material in International Trade* (2 pgs.) are enclosed.

[] Figure ____ with amendments marked in red ink. (pg.) is enclosed.

[XX] No additional claim fee is required.

[] Payment is made by:

[] Please charge my Deposit Account No. _____ in the amount of \$_____. Two copies of this transmittal are attached.

[] Check No. ____ in the amount of \$ ____ .00 to cover the extension fee is enclosed.

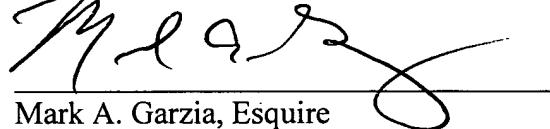
[] The Commissioner is hereby authorized to charge any deficiency in fees associated with this communication, or credit any overpayment, to Deposit Account No. _____. Two copies of this transmittal are attached.

[] Credit Card Payment Form PTO-2038 in the amount of \$ ____ . ____ (for Extension of Time) is enclosed to cover the fee due.

Respectfully submitted,

7 JUNE 2006

Date



Mark A. Garzia, Esquire
Registration No. 35,517

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JUN 14 2006

PTO/SB/17 (01-06)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2006

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	(\$)	0.00
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Complete if Known

Application Number	10/651,583
Filing Date	August 29, 2003
First Named Inventor	TOPP, Daniel P.
Examiner Name	PARSLEY, David J.
Art Unit	3643
Attorney Docket No.	TOPP-P7.1-US

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____
 Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments
 under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		<u>Fees Paid (\$)</u>
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Small Entity

Fee (\$)
50 25

Each independent claim over 3 (including Reissues)

Fee (\$)
200 100

Multiple dependent claims

Fee (\$)
360 180

Total Claims 21 Extra Claims Fee (\$) Fee Paid (\$)
21 - 20 or HP = 0 x = 0

Multiple Dependent Claims
Fee (\$) Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.
 Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)
3 - 3 or HP = 0 x = 0

Fee (\$) Fee Paid (\$)

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
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- 100 = / 50 = (round up to a whole number) x =

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Other (e.g., late filing surcharge): _____

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 35,517	Telephone 610-485-9400
Name (Print/Type)	Mark A. Garzia		Date June 7, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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CUSTOMER NO. : 021616

TO: Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO FINAL OFFICE ACTION

Dear Sir:

This Reply is responsive to a final Office Action dated March 7, 2006, in the above-captioned application. The Office Action set a shortened statutory period for response that expires on June 7, 2006.

Please amend the application as follows.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

REMARKS begin on page 10 of this paper.